

#194 CRITICAL PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1404.3.B.3 To permit a 30 foot rear yard (waterfront) setback and a 36 foot front yard setback in lieu of the minimum 50 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

1. My family has grown and the house we now live in doesn't have adequate living space.

2. The way the property line runs on an angle I can build 50' off the property line.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 27 day of DEC 1987, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 104, County Office Building in Towson, Baltimore County, on the 7th day of MARCH 1990 at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

2) Conserve fish, wildlife, and plant habitat; and
3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of March, 1990 that the Petition for Zoning Variance to permit a rear yard setback of 30 feet and a front yard setback of 36 feet, in lieu of the minimum required 50 feet for each, for a proposed addition in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

#194
CRITICAL AREA

ZONING DESCRIPTION

Beginning on the northeast side of Chestnut Road, 30 feet wide, at the distance of 1,030 feet east of the centerline of Seneca Road. Being lot number 146 in the subdivision of Bowleys Quarters, Plat Book 7, Folio 13. Also known as 4048 Chestnut Road, containing .5950 acres in the 15th Election District.

IN RE: PETITION FOR ZONING VARIANCE
NE/8 Chestnut Road, 1,030' NE
of the c/l of Seneca Road
(5048 Chestnut Road)
15th Election District
5th Councilmanic District
Bernard E. Eckert, III, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 30 feet and a front yard setback of 36 feet, both in lieu of the minimum required 50 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as 4048 Chestnut Road, consists of 15,920 sq.ft. zoned R.C. 5 and is improved with a single family dwelling. Said property is located within the Chesapeake Bay Critical Areas on Seneca Creek. Petitioners are desirous of constructing a 28' x 38' addition to provide more habitable space for their growing family. Testimony indicated that due to the shape of the lot and the location of existing improvements thereon, the proposed additions cannot be constructed to meet setback requirements of the zoning regulations. Petitioners testified the proposed improvements will meet the requirements of Critical Areas legislation and will not result in any detriment to the health, safety or general welfare of the community.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner
DATE: January 24, 1990
FROM: Mr. Robert W. Sheesley
SUBJECT: Petition for Zoning Variance - Item 194
Eckert Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 4048 Chestnut Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME

Dorothy and Bernard Eckert

APPLICANT PROPOSAL

The applicant has requested a variance from section 1404.3.B.3 "To permit a 30 foot rear yard (waterfront) setback and a 36 foot front yard."

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01.0>

be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

Memo to Mr. J. Robert Haines
January 24, 1990
Page 3

5. Regulation: "The stormwater management system shall be designed so that:
(1) Development will not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher rate than would have resulted from a ten year frequency storm if the land had remained in its predevelopment state;
(2) Infiltration of water is maximized throughout the site, rather than directing flow to single discharge points; and
(3) Storm drain discharge points are decentralized to simulate the predevelopment hydrologic regime.
(4) There is sufficient storage capacity to achieve water quality goals of COMAR 14.15 and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state" (Baltimore County Code, Section 22-217(h)).

Findings: At present, rooftop runoff does not appear to be collected in rainpools. In order to comply with the above regulation, rooftop runoff shall be directed through downspouts and into Dutch drains or seepage pits (see attached drainage information sheet). This will encourage maximum infiltration of stormwater and decrease the amount of runoff leaving the site.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above.

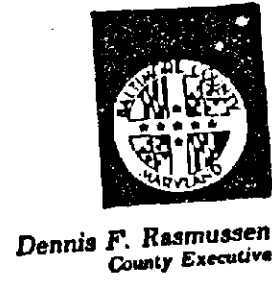
Upon compliance with Chesapeake Bay Critical Area Regulations, this project will be approved. If there are any questions, please contact Mr. David C. Flowers at 897-2904.

Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:DCP:ju
Attachment
cc: The Honorable Ronald B. Rickenell
The Honorable Norman E. Lauenstein
The Honorable Dale T. Vols
Mrs. Janice B. Oates
Gwen Stephens, Zoning

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

DATE 2/12/90



Mr. & Mrs. Bernard E. Eckert, III
4048 Chestnut Road
Boulevards Quarter, Maryland 21220

Re: Petition for Zoning Variance
CASE NUMBER: 90-337-A
NE/S of Chestnut Road, 1030' NE of c/l of Seneca Road
4048 Chestnut Road
15th Election District - 5th Councilmanic
Petitioner(s): Bernard Emil Eckert, III, et ux
HEARING: WEDNESDAY, MARCH 7, 1990 at 2:00 p.m.
Please be advised that \$129.21 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to the Zoning Office, County Office Building, check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204, 15 minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

NOTE:
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3351 to confirm hearing date.)

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

January 23, 1990

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-337-A
NE/S of Chestnut Road, 1030' NE of c/l of Seneca Road
4048 Chestnut Road
15th Election District - 5th Councilmanic
Petitioner(s): Bernard Emil Eckert, III, et ux
HEARING: WEDNESDAY, MARCH 7, 1990 at 2:00 p.m.

Variances: To permit a 30 ft. rear yard (waterside) setback and a 35 ft. front yard setback in lieu of the minimum 50 ft.

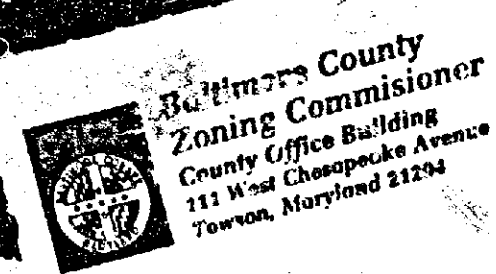
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

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J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Mr. & Mrs. Eckert



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
No 1619

Account: R-001-6150
Number

90-337

19000513

Date: 2/17/90
PUBLIC HEARING FEES
900 - POSTING SIGNS / ADVERTISING 1 X \$128.21
LAST NAME OF OWNER: ECKERT
TOTAL: \$128.21

Please make checks payable to: Baltimore County
Cashier Validation:

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

Date of Posting: 2/17/90

District: 15th
Posted for: Bernard Emil Eckert, III, et ux

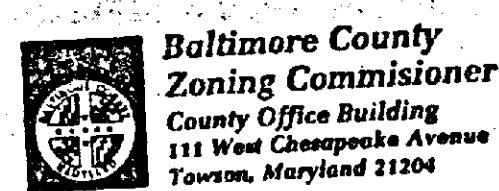
Petitioner: Bernard Emil Eckert, III, et ux
Location of property: NE/S of Chestnut Rd., 1030' NE of Seneca Rd.

Location of signs: 4048 Chestnut Rd., approx. 20' from
waterside rear property of P.B. Eckert

Remarks: None

Posted by: [Signature]
Number of Signs: 1

Date of return: 2/23/90



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
No 653

Account: R-001-6150
Number

H9900194

Date: 12/13/89
PUBLIC HEARING FEES
410 - ZONING VARIANCE (1RL) 1 X \$35.00
LAST NAME OF OWNER: ECKERT
TOTAL: \$35.00

Please make checks payable to: Baltimore County
Cashier Validation:

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Petitioner(s): Bernard Emil Eckert, III, et ux
HEARING: WEDNESDAY, MARCH 7, 1990 at 2:00 p.m.

Variances: To permit a 30 ft. rear yard (waterside) setback and a 35 ft. front yard setback in lieu of the minimum 50 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

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J. ROBERT HAINES
Zoning Commissioner of Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 8, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Feb 1, 1990.

THE JEFFERSONIAN,

S. Zehe Nelson

Publisher

CERTIFICATE OF PUBLICATION

Office of

THE AVENUE NEWS

442 Eastern Blvd.
Balto., Md. 21221
February 8, 1990

THIS IS TO CERTIFY, that the annexed advertisement of Bernard Emil Eckert, III in the matter of Petition for Zoning Variance of 4048 Chestnut Rd. Case # 90-337-A P.O.#0101836, Req. #M38180, 94.5 lines @.55 or \$51.97

was inserted in The Avenue News a weekly newspaper published in Baltimore County, Maryland once a week for 1 successive week(s) before the 9 day of FEB. 1990; that is to say, the same was inserted in the issues of Feb 8 1990.

The Avenue Inc.

per publisher

By: [Signature]

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